

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Thomas Middleditch v Parole Board**
Docket No. **278540**
L.C. No.

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

Plaintiff's complaint for a writ of habeas corpus is DISMISSED for lack of jurisdiction. MCR 3.303(A)(2) allows a prisoner to bring an original action for habeas corpus in this Court only on a showing either that there is no judge in the county in which the prisoner is detained who is empowered and available to issue the writ or that the judicial circuit for that county has refused to issue such a writ. In his July 23, 2007 letter, plaintiff effectively acknowledged that he misinterpreted MCR 3.303 by initially filing this action in this Court rather than in a lower court in the county in which he is being detained as a prisoner. Thus, it is apparent that plaintiff cannot show either that no judge in the relevant county is empowered and available to issue a writ of habeas corpus to him or that the relevant judicial circuit has refused to issue such a writ.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 21 2007

Date

Sandra Schultz Mengel

Chief Clerk